

### **REMARKS**

The enclosed is responsive to the Examiner's Office Action mailed on April 14, 2010. At the time the Examiner mailed the Office Action claims 1-20 were pending. By way of the present response the Applicant has: 1) amended claims 1, 4-6, 9, and 14-20; and 2) not canceled or added any claims. As such, claims 1-20 remain pending. The Applicant respectfully requests reconsideration of the instant application and the allowance of claims 1-20.

#### **Claim Rejections under 35 U.S.C. §101**

The Examiner has rejected independent claim 14 as being directed to non-statutory subject matter. In response, the Applicant has amended claim 14 to recite "a computer readable storage medium having instructions which when executed with logic circuitry on a semiconductor chip cause" the recited method to be performed. The Applicant respectfully submits that the independent claim 14 as amended meets the requirements of 35 U.S.C. §101.

#### **Claim Rejection under 35 U.S.C. §102**

The Examiner has rejected independent claims 1, 9 and 14 under 35 U.S.C. §102(b) as being anticipated by U.S. Pub. App. No. 2002/0157112 (hereinafter "Kuhn"). In response, the Applicant has amended the claims to be consistent with the claims that are currently pending before the German Patent Office. In an Action dated 16 October 2009, the German Patent Office issued a rejection based on the

PCT counterpart to the Kuhn reference. In responding with amendments substantially similar to those provided herewith in the instant response, the Applicant argued the following before the German Patent Office.

“[The Kuhn reference] appears to describe applying a different transcoding scheme for a “region of interest” as compared to a background region within a frame. Moreover, [the Kuhn reference] further appears to indicate that the different transcoding scheme may include a higher bit rate for the region of special interest. Nevertheless, the Applicant respectfully submits that none of the references cited by the Examiner contemplate dynamic adaption to network conditions in conjunction with application of different transcoding schemes to sensitive information parts of frames. The Applicant’s specification, in contrast, outlines several different network adaption schemes some of which are outlined in the newly amended claims such as claim 1 which now recites (emphasis added):

A method comprising:

defining a first part of a frame as containing sensitive information, wherein the frame includes the first part and a second part;

transcoding the first part of the frame at a higher bit rate than the second part of the frame based on bandwidth available for transmitting the transcoded frame such that the transcoding further includes:

detecting first network congestion;

in response to the detecting of the first network congestion,

reducing the bit rate of the second part of the frame while maintaining the bit rate of the first part of the frame;

detecting second network congestion;

in response to the detecting of the second network congestion, reducing the bit rates of the first and second parts of the frame wherein the bit rate of the second part of the frame is reduced more than the bit rate of the first part of the frame is reduced.

The Applicant respectfully submits that none of the references cited by the Examiner describe, contemplate or suggest the network adaption schemes outlined in the claims of the instant application and therefore respectfully requests the allowance of same.”

The Applicant therefore respectfully submits that the presently amended claims are patentable over the Kuhn reference for essentially the same reasons as expressed above.

Prosecution of the Chinese Counterpart

In an action dated 18 December 2009, the Chinese Patent Office issued a rejection based on the Chinese counterpart to EP 1 313 322 (the "D1" reference). The Applicants have responded in the Chinese case with claims that are, again, substantially similar to those pending in the German counterpart and the present United States application as herewith amended. In arguing for the patentability of the newly amended claims before the Chinese Patent Office the Applicants commented as follows:

"As we understand the D1 reference, the D1 reference discloses: 1) determining the condition of a network; 2) determining a target bit based on the condition of the network; 3) determining different QPs for high significance image portions and low significance image portions; 4) varying the different QPs based on the target bit; 5) applying the respective QPs to the high and low significance image portions to determine their respective, different bit rates.

From the above algorithm, ... the D1 reference does not disclose maintaining one bit rate for a high significance portion while lowering a bit rate for a low significance portion. That is, once the target bit is changed, it seems to us that the bit rates of both the high significance portions and the low significance portion will be changed."

Thus, in view of the above analysis the Applicant respectfully requests the allowance of the newly amended claims now presented.

## CONCLUSION

Applicant respectfully submits that all rejections have been overcome and that all pending claims are in condition for allowance.

If there are any additional charges, please charge them to our Deposit Account Number 02-2666. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Robert B. O'Rourke at (408) 720-8300.

Respectfully Submitted,  
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